

Message Text

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ORIGIN ARA-10

INFO OCT-01 EUR-12 EA-07 ISO-00 L-03 SCA-01 CIAE-00

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FM SECSTATE WASHDC

TO AMEMBASSY PANAMA IMMEDIATE

INFO AMEMBASSY BONN IMMEDIATE

AMEMBASSY JAKARTA IMMEDIATE

AMEMBASSY MANILA IMMEDIATE

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E.O. 11652: N/A

TAGS: PFOR, EWWT, US, PN

SUBJECT: ALLEGED MURDER ABOARD "MIMI"

1. US COAST GUARD OCTOBER 11 REPORTED APPARENT MUNTING
ABOARD PANAMANIAN REGISTERED MOTOR VESSEL "MIMI" RESULTING
IN MURDER OF FOUR WEST GERMAN OFFICERS ABOARD SHIP AND
SCUTTLING OF VESSEL. WEST GERMAN VESSEL LALLI SUBSEQUENTLY
PICKED UP FOUR INDONESIAN AND ONE FILIPINO CREWMEN OF
MIMI AND TURNED THEM OVER TO INS IN MIAMI OCTOBER 12. FIVE
ARE BEING HELD AS DEPORTABLE ALIENS IN WEST PALM BEACH
JAIL.

2. INS HAS SCHEDULED HEARING IN IMMIGRATION COURT, MIAMI
OCTOBER 15 AT 1430 LOCAL FOR FOUR INDONESIANS. US AT-
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TORNEY WILL MAINTAIN THAT ALIENS ARE ILLEGALLY IN US AND

THEREFORE DEPORTABLE. INDONESIANS WILL BE REPRESENTED BY ATTORNEYS HIRED BY INDONESIAN CONSULATE GENERAL, NEW YORK. INS ANTICIPATES THAT COURT WILL ISSUE DEPORTATION ORDER, IN WHICH CASE ALIENS WOULD PRESUMABLY BE DEPORTED SOME-TIME OCTOBER 16.

3. DEPARTMENT HAS BEEN IN TOUCH WITH PANAMANIAN EMBASSY AND HAS POINTED OUT THAT IF PANAMA (WHICH WOULD APPEAR TO

HAVE JURISDICTION IN CASE) WISHES TO REQUEST EXTRADITION, MACHINERY FOR THIS PROCESS WILL HAVE TO BE SET IN MOTION ON URGENT BASIS. EMBASSY HAS RECEIVED NO INSTRUCTIONS FROM FONMIN.

4. EMBASSY SHOULD ADVISE GOP OF FACTS SET FORTH ABOVE, AND REQUEST GOP DECISION AS TO PURSUIT OF EXTRADITION REQUEST. EXTRADITION TREATY MAKES EXTRADITABLE MURDER AND CERTAIN CRIMES COMMITTED AT SEA (ARTICLE II, PARAGRAPH 1 AND 11). UNDER PROVISIONS OF ARTICLE IV, PANAMA MAY REQUEST PROVISIONAL ARREST OF SEAMEN ON BASIS OF TELEGRAPHIC REQUEST IN ADVANCE OF PRESENTATION OF FORMAL EXTRADITION DOCUMENTS. GOP WOULD THEN HAVE TWO MONTHS IN WHICH TO SUPPLY DOCUMENTATION.

5. EMBASSY SHOULD POINT OUT THAT EXTRADITION IS TREATY PROCEDURE PROVIDING FOR RETURN OF PERSONS WHO HAVE BEEN "CHARGED WITH OR CONVICTED OF ANY OF THE LISTED EXTRADITABLE CRIMES." EXTRADITION MAY NOT REPEAT NOT BE BASED MERELY ON A WARRANT OF ARREST. THEREFORE, FOR GOP TO FORMALLY REQUEST EXTRADITION, INCLUDING PROVISIONAL ARREST, GOP MUST FORMALLY CHARGE SEAMEN WITH THE CRIMES IN ACCORDANCE WITH ITS LAWS (SOMETHING EQUIVALENT TO AN INDICTMENT IN U.S.) HOWEVER, IF FORMAL CHARGE IS OBTAINED, AND ARREST WARRANTS ISSUED GOP COULD INVOKE PROVISIONS OF ARTICLE IV AND TELEGRAPH TO ITS EMBASSY HERE THE SPECIFICS OF THE CHARGE (WHO IS CHARGED; OF WHAT OFFENSE UNDER PANAMIAN LAW; UNDER WHOSE AUTHORITY CHARGE ISSUED, I.E. WHAT COURT OR JUDGE; AND DATE OF CHARGE) AND DATE OF THE ARREST WARRANTS. FORMAL REQUEST COULD THEN BE PRESENTED TO DEPARTMENT AND RELAYED TO DEPARTMENT OF JUSTICE.

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6. GOP SHOULD BE ADVISED THAT IN VIEW OF EVENTS AS THEY HAVE DEVELOPED EXTRADITION PROCEDURE IS ONLY MEANS AVAILABLE UNDER U.S. LAW TO ASSURE RETURN OF THE SEAMEN TO PANAMA. INGERSOLL

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